

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **People of MI v Jason David Holtslander**  
Docket No. **281276**  
L.C. No. **06-013256-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The delayed application for leave to appeal filed on October 18, 2007, is DISMISSED because it was not filed within 12 months of the June 16, 2006 judgment of sentence as required by MCR 7.205(F)(3). Furthermore, the second exception found in MCR 7.205(F)(4) is of no assistance to defendant because 42 days from the filing of the transcripts was June 12, 2007. Contrary to what defendant may believe this is not a *Halbert* case. A *Halbert* case involves a situation where the defendant either had a timely request for appellate counsel denied or defendant was told at sentencing he was not entitled to appellate counsel. Page 11 of the June 16, 2006 sentencing transcript specifically shows the following as to what defendant was told, "You have the right to ask for an attorney at county expense if you cannot afford one." Every order by the Supreme Court and Court of Appeals giving a defendant 12 months from the order of appointment involved a *Halbert* violation. There is no *Halbert* violation in this case. Instead, the defendant failed to follow the instructions that were given to him.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV - 1 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk